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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,118	11/18/2003	Takayuki Yajima	848075/0061	6090
29619 7590 02/17/2010 SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022				
			EXAMINER	
			MA, CALVIN	
			ART UNIT	PAPER NUMBER
			2629	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,118

Applicant(s)

YAJIMA, TAKAYUKI

Examiner

CALVIN C. MA

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's reply was received in the Office on 12/22/2009 and the new claim 28 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finke-Anlauff (U.S. Patent: 6,850,226) in view of Lenchik et al. (U.S. Patent 7,257,430) and further in view of Will (U.S. Patent 5,825,352).

As to claims 8, Finke-Anlauff teaches a portable terminal unit (i.e. the device 30) comprising:

a first housing (i.e. screen panel 2) having at least a display section (i.e. display 6) (see Fig. 1, Col. 2, Lines 50-65, Col. 3, Lines 5-10);

a second housing (i.e. body 1) having at least a main operation section (i.e. since the body contains the processing parts of the device, in contains the main operation section) (see Fig. 1, Fig. 5, Col. 2, Lines 49-53), wherein both said first housing (2) and

said second housing (1) are coupled together (i.e. the display panel is attached to the body 1) (see Fig. 1) so that said main operation section is covered with said first housing in a closed state and is exposed in an opened state (i.e. since the screen panel covers most of the body when the device is closed, the main operation section is covered by the display) (see Fig. 1), and a display screen of said display section is exposed in both said closed state and said opened state (i.e. the screen panel is always in view, and is therefore exposed in both the closed and open state) (see Fig. 1, Lines 50-65);33

a state detecting section (i.e. 29 panel position sensor) for detecting whether said first housing and said second housing are in said opened state or in said closed state (i.e. the panel position sensor senses whether or not the panel is in open or closed position, since when the screen panel is opened the user is able to use the larger keyboard it would serve to the users convenience to rotate the screen orientation so that it will be in a landscape mode, which is allowed by the automatic sensor which uses software control to switch the orientation mode when the panel is opened) (see Fig 8, Col. 4, Lines 30-35);

and a control section (i.e. the main control process 257) (see Fig. 8) said display section (2) when said at least one key is operated in said closed state and opened state (i.e. the direction arrow by design will navigate a cursor on the screen regardless whether the screen is in open or closed position as Fig. 1 clearly demonstrate dark underlining cursor that is controlled by the directional cursor key 13) (see Fig. 1, Col. 4, Lines 1-2) and wherein the closed state said control section controls said display

section to display thereon a item selecting screen for selecting an item from a plurality of items, and

However Finke-Anlauff does not explicitly teach in a state where an item is selected from the plurality of items of the item selecting screen, in response to a state change from the closed state to the opened state, the control section controls said display section to change into display a screen image corresponding to the selected item from the item selecting screen, but instead teaches having a menu system where the user can access via hardware control from the keypad. Lenchik teaches in a state where an item is selected from the plurality of items of the item selecting screen, in response to a state change from the closed state to the opened state, the control section controls said display section to change into display a screen image corresponding to the selected item from the item selecting screen (i.e. the screen movement allow for automatic activation of different applications base on the self-configuration system of the processor in the main body of the phone, and the ability to notify the user of non-selected service waiting to be received such as incoming page, where when the user reconfigure the device the device response and the display shall change to support such functional change) (see Fig. 1, Col. 4, Lines 45-67).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used application control service of Lenchik in the mobile phone system of Finke-Anlauff in order to provide superior user experience by creating better function integration and added control flexibility for the mobile communication device (see Lenchik Col. 1, Lines 32-50).

Finke-Anlauff does not teach wherein an auxiliary operation section provided on either said first housing or said second housing other than on surfaces of said first housing and said second housing opposed to each other in said closed state; and in a state where a specific item which requires an operation by the main operation section is selected from the plurality of items on the item selecting screen, in response to the selection of the specific item being determined by the auxiliary operation section, said control section controls said display section to display thereon a message screen prompting a user to change said portable unit from the closed state into the opened state, and wherein said control section controls said display section to display thereon a screen image corresponding to the selected specific item in response to a state change from the closed state to the opened state after the message is displayed.

Will teaches an auxiliary operation section provided on either said first housing or said second housing other than on surfaces of said first housing and said second housing opposed to each other in said closed state (i.e. the scroll wheel 183 which is an auxiliary control device which is able to scroll through list 184) (see Will Fig. 11a, and 11b, Col. 12, Lines 50-63); and in a state where a specific item which requires an operation by the main operation section is selected from the plurality of items on the item selecting screen, in response to the selection of the specific item being determined by the auxiliary operation section, said control section controls said display section to display thereon a message screen prompting a user to change said portable unit from the closed state into the opened state (i.e. Will teaches the ability for the auxiliary switch 3 in figure 1 to determine a current state of the device which when combined with the

display change configuration notice function of Lenchik allows the user to use the thumbwheel to switch the device function to one which requires a display state change to activate as taught in Lenchik) (see Will Fig. 1, Col. 4, Lines 44-64), and wherein said control section controls said display section to display thereon a screen image corresponding to the selected specific item in response to a state change from the closed state to the opened state after the message is displayed (i.e. since Will shows that control of the wheel 3 to correct match the display of the image on screen via the control of a microprocessor 10, this when view together with system of Lenchik enable the display to function in the correct way to allow control of the device) (see Fig. 2, Col. 6, Lines 1-30).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used the auxiliary scrolling control mechanism of Will in the mobile device of Finke-Anlauff as modified by Lenchik in order to create a simple and effective control of applications (see Will, Col. 2, Lines 34-37).

As to claim 1, see discussion of claim 8 above, claim 1 is analyzed to be broader than claim 8 and is rejected on the same ground.

As to claim 15, see discussion of claim 8 above, claim 15 differs only from claim 8 in the limitation of "a coupling section which rotatably couples said first housing and said second housing". Finke-Anlauff teaches a coupling section which rotatably couples

said first housing (2) and said second housing (1) (i.e. the rotation by a pivot pin about the axis of the pins 38 that can also slide in a track 18, in this way the device is additionally given the rotational capability) (see Fig. 4, Col. 3, Lines 15-25).

As to claim 9, Finke-Anlauff teaches the portable terminal unit (30) according to claim 8, wherein said selecting screen displays a plurality of function items (i.e. the device is said to have PDA functionality and specifically allow the user to select function such as video camera 11, calendar data 26, contact data 27, and internet browser 28) (see Fig. 8, Col. 4, Lines 20-30).

As to claim 10, Finke-Anlauff teaches the portable terminal unit according to claim 9 wherein said function items are a mail function (i.e. email), a memorandum function (i.e. notes), a schedule book function (i.e. calendar function), a browser function (i.e. Internet browser 28), a message/voice memorandum function (i.e. in cellular telephony the message and voice memorandum functions are network provided, for a cellular phone to provide service to the user, it is an understood function built-in to the phone), a history function and a camera (i.e. video camera 11) function (i.e. since the device is able to handle full PDA functionality and all application that software packages such as Microsoft Office handles, all of the above functionality are present)(see Fig. 8, Col. 2, Lines 35-47, Col. 4, Lines 20-30).

As to claim 11, Finke-Anlauff teaches the portable terminal unit according to claim 8, wherein said selecting screen displays a plurality of selecting items for one function item (i.e. since the device 30 is able to allow the user to select and operate functions such as internet browser, which allows the user to select plurality of items in the browser to allow proper functionality) (see Fig. 8, Col. 4, Lines 20-30).

As to claim 12, Finke-Anlauff teaches the portable terminal unit according to claim 8, wherein said portable terminal unit (30) is a mobile telephone (i.e. mobile telephone 21) (see Fig. 1, Col. 4, Lines 15-16).

As to claim 13, Finke-Anlauff teaches the portable terminal unit according to claim 8, wherein said portable terminal unit (30) is a personal digital assistant (i.e. the device function as a personal digital assistant) (see Col. 4, Lines 22-24).

As to claim 14, Finke-Anlauff teaches the portable terminal unit (30) according to claim 8, wherein said first housing (2) and said second housing (1) are coupled to each other so as to be opened and closed by a sliding motion (i.e. screen panel 2 slide over keyboard 12 of the body 1) (see Fig. 3, Col. 2, Lines 58-60)

As to claims 2-7, see discussion of claim 9-14 above, claims 2-7 are analyzed to be broader than claims 9-14, and are rejection on the same ground.

As to Claims 16-20, see discussion of claim 15 above, these claims are analyzed as equivalent to claims 9-13 with respect to the parent claim, claim 15, and is rejected for the same reason.

As to claim 26, Lenchik teaches wherein the control section controls the display section to change from displaying an upper layer screen in the closed state into a lower layer screen in response to a state change from the closed state to the opened state (i.e. the generic cellular communication screen notify the user that a page message is available and when the user modify the unit to open state the system go into the paging display mode which is a necessarily a lower layer display mode specific for paging need) (see Fig 1-8, Col. 4, Lines 56-67).

As to claim 27, Lenchik teaches wherein the control section activates a function corresponding to the selected item in response to the state change from the closed state to the opened state, to display the screen image corresponding to the selected (i.e. the generic cellular communication screen power by the phone control system is able to notify the user that a page message is available and when the user modify the unit to open state forming a pager like state to function specific for paging need) (see Fig 1-8, Col. 4, Lines 56-67).

As to claim 28, Will teaches wherein the auxiliary operation section is configured to input a first signal for selecting an item from the plurality of items on the item selecting screen, and a second signal for determining the selection of the item selected by the first signal (i.e. the scroll wheel design 20 of Will requires that both the scroll 24 and the push switch 28 to signal to the processor to input control) (see Fig. 4a, Col. 6, Lines 50-64).

Response to Arguments

4. Applicant's arguments with respect to claims 1-24, and 26-28 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Ma whose telephone number is (571) 270-1713. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Calvin Ma
February 11, 2010

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